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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Ricardo Alfonso Aviles, M.D.

Holder of License No. 32367
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-10-1002C

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO SAME**

INTERIM CONSENT AGREEMENT

Ricardo Alfonso Aviles, M.D., ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 32367 for the practice of allopathic medicine in the State of Arizona.

1. On July 27, 2010, the Board received a complaint alleging that Respondent and two other physicians at the Cochise Eye and Laser Ambulatory Surgery Center permitted an unlicensed person, G.B., to perform post-operative examinations on eye surgery patients. Additional evidence was received that the G.B., had business cards with the name of the practice and also had a lab coat indicating that he was a physician assistant. GB is not a licensed physician assistant.

2. The Executive Director has consulted with investigative staff and the Board's medical consultant, who has reviewed the case and agrees that a consent agreement is appropriate.

1
2 **CONCLUSIONS OF LAW**

3 1. The Board possesses jurisdiction over the subject matter hereof and over
4 Respondent.

5 2. The Executive Director may enter into a consent agreement with a physician
6 if there is evidence of danger to the public health and safety pursuant to A.R.S. § 32-
7 1405(C)(25) and § 32-1451(F); A.A.C. R4-16-504.

8 3. Based on the information in the Board's possession there is evidence that if
9 Respondent and his fellow practitioners at the Cochise Eye and Laser Ambulatory
10 Surgery Center were to continue to employ an unlicensed person to perform post-
11 operative examinations on eye surgery patients in Arizona there would be a danger to the
12 public health and safety.

13 **ORDER**

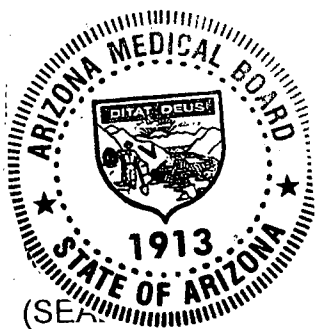
14 IT IS HEREBY ORDERED THAT:

15 1. Respondent shall not permit any unlicensed person to perform post-
16 operative examinations, or perform the duties of a licensed physician assistant.

17 2. Respondent shall not permit any unlicensed person to diagnose, interpret,
18 design or modify established treatment plans or perform any function that would violate
19 any statute applicable to the practice of medicine.

20 3. This is an interim order and not a final decision by the Board regarding the
21 pending investigative file and as such is subject to further consideration by the Board.

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24 DATED AND EFFECTIVE this 30th day of August, 2010.
25



ARIZONA MEDICAL BOARD

By _____
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF INTERIM ORDER

1. Respondent has read and understands this Interim Order for Practice Restriction and Consent to the Same and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Interim Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Interim Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Order in its entirety as issued, and waives any other cause of action related thereto or arising from said Interim Order.

4. The Interim Order is not effective until approved and signed by the Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this Interim Order, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
5 entry of the Interim Order. Respondent may not make any modifications to the document.
6 Any modifications to this original document are ineffective and void unless mutually
7 approved by the parties.

8 7. This Interim Order is a public record that will be publicly disseminated as a
9 formal action of the Board and will be reported to the National Practitioner's Data Bank
10 and on the Board's web site.

11 8. If any part of the Interim Order is later declared void or otherwise
12 unenforceable, the remainder of the Interim Order in its entirety shall remain in force and
13 effect.

14 9. Any violation of this Interim Order constitutes unprofessional conduct and
15 may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
16 probation, consent agreement or stipulation issued or entered into by the board or its
17 executive director under this chapter") and 32-1451.

18 Ricardo A. Aviles
19 Ricardo Alfonso Aviles, M.D.

DATED: 8/2/10

20
21 EXECUTED COPY of the foregoing mailed
22 this 3rd day of August, 2010 to:

23 Physician's Name
24 Mailing Address of Record

25 ORIGINAL of the foregoing filed
this 3rd day of August, 2010 with:

1 Arizona Medical Board
2 9545 E. Doubletree Ranch Road
3 Scottsdale, AZ 85258

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Arizona Medical Board Staff

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